

AMENDED IN SENATE MARCH 7, 1996
AMENDED IN SENATE FEBRUARY 13, 1996
AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 771

Introduced by Assembly Members Aguiar and Rainey
(Principal coauthor: Senator Costa)

February 22, 1995

An act to ~~amend Section 66452.11 of, and to add Section 66452.13 to,~~ the Government Code, relating to subdivisions, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 771, as amended, Aguiar. Subdivisions: tentative maps: time extensions.

(1) Existing law, known as the Subdivision Map Act, establishes a statewide regulatory framework for controlling the subdividing of land. The existing act generally requires that a subdivider submit, and have approved by the city or county in the jurisdiction in which the land is situated, a tentative and a final subdivision map in connection with any division of land creating 5 or more parcels, and that a parcel map be filed in connection with divisions of land creating 4 or fewer parcels. In addition, existing law authorizes a subdivider to seek approval of a vesting tentative map, which confers a

vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards.

The existing act prohibits the sale, leasing, or financing of any parcel of real property, or the construction of any building thereon, for which either a final subdivision map or parcel map is required, until that map, in full compliance with the act and any local ordinance enacted pursuant thereto, has been filed. The act provides for the expiration of tentative maps after specified periods of time, and specifically extends by 24 months the expiration date of any tentative subdivision map or any parcel map for which a tentative map has been approved that had not expired on September 13, 1993. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the Subdivision Map Act. Existing law further provides that any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the State of California that pertains to a development project included in a map that is extended pursuant to the bill shall be extended by 24 months under specified conditions.

~~This bill would apply these time extensions to vesting tentative maps as well as to the specified tentative and parcel maps, and would provide that this change is intended to clarify the intent of the Legislature in adopting the expiration provisions, and is not intended to represent a substantive change to existing law. The bill would create a state-mandated local program by providing a similar 24-month extension for a tentative or vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, that has not expired on or before the effective date of the bill.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 66452.11 of the Government~~
2 ~~Code is amended to read:~~

3 ~~66452.11. (a) The expiration date of any tentative or~~
4 ~~vesting tentative subdivision map or parcel map for~~
5 ~~which a tentative or vesting tentative map has been~~
6 ~~approved, that has not expired on the date that the act~~
7 ~~that adds this section becomes effective shall be extended~~
8 ~~by 24 months.~~

9 ~~(b) The extension provided by subdivision (a) shall be~~
10 ~~in addition to any extension of the expiration date~~
11 ~~provided for in Section 66452.6 or 66463.5.~~

12 ~~(c) Any legislative, administrative, or other approval~~
13 ~~by any local agency, state agency, or other political~~
14 ~~subdivision of the State of California that pertains to a~~
15 ~~development project included in a map that is extended~~
16 ~~pursuant to subdivision (a) shall be extended by 24~~
17 ~~months if this approval has not expired on the date that~~
18 ~~the act that adds this section becomes effective.~~

19 ~~SEC. 2. The amendments made by this act to Section~~
20 ~~66452.11 of the Government Code are intended to clarify~~
21 ~~the intent of the Legislature in adopting that section, and~~
22 ~~are not intended to represent a substantive change to~~
23 ~~existing law.~~

24 ~~SEC. 3.—~~

25 ~~SECTION 1. Section 66452.13 is added to the~~
26 ~~Government Code, to read:~~

27 ~~66452.13. (a) The expiration date of any tentative or~~
28 ~~vesting tentative subdivision map or parcel map for~~
29 ~~which a tentative map or vesting tentative map has been~~

1 approved, that has not expired on or before the date the
2 act that adds this section becomes effective shall be
3 extended by 24 months.

4 (b) The extension provided by subdivision (a) shall be
5 in addition to any extension of the expiration date
6 provided for in Section 66452.11, 66452.6, or 66463.5.

7 (c) Any legislative, administrative, or other approval
8 ~~by any local agency, state agency, or other political~~
9 ~~subdivision of the State of California that pertains to a~~ *by*
10 *any state agency that pertains to a* development project
11 included in a map that is extended pursuant to
12 subdivision (a) shall be extended by 24 months if this
13 approval has not expired on the date that the act that adds
14 this section becomes effective. This extension shall be in
15 addition to any extension provided for in Section
16 66452.11.

17 ~~SEC. 4.—~~

18 *SEC. 2.* Notwithstanding Section 17610 of the
19 Government Code, if the Commission on State Mandates
20 determines that this act contains costs mandated by the
21 state, reimbursement to local agencies and school
22 districts for those costs shall be made pursuant to Part 7
23 (commencing with Section 17500) of Division 4 of Title
24 2 of the Government Code. If the statewide cost of the
25 claim for reimbursement does not exceed one million
26 dollars (\$1,000,000), reimbursement shall be made from
27 the State Mandates Claims Fund.

28 Notwithstanding Section 17580 of the Government
29 Code, unless otherwise specified, the provisions of this act
30 shall become operative on the same date that the act
31 takes effect pursuant to the California Constitution.

32 ~~SEC. 5.—~~

33 *SEC. 3.* This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or
35 safety within the meaning of Article IV of the
36 Constitution and shall go into immediate effect. The facts
37 constituting the necessity are:

38 In order to permit cities and counties to preserve
39 development applications that are about to expire, and
40 that cannot presently be processed due to prevailing

1 adverse economic conditions in the construction
2 industry, it is necessary that this act take effect
3 immediately.

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